

of twenty dollars, for every neglect of duty, to be recovered by suit on his official bond, in the name of the commanding officer of the company, from whose Court Martial said execution or executions may have issued. Any penalty so recovered in the name of the commanding officer, from a Constable, shall be appropriated as fines of Militia are now directed to be appropriated by law; and in case said commanding officer shall fail in any such suit, he is hereby authorized to use so much of the fines of his company as may be necessary to defray the expense of such suit.

Penalty for
intoxica-
tion.

SEC. 4. *Be it further enacted*, That if any officer commissioned, shall suffer himself to be intoxicated on parade or drill, or behave in a riotous or disorderly manner, when on duty, or disobey the orders of his commanding officer, he may be ordered in arrest, by said commanding officer, until the parade or drill is over, or the duty performed, and shall be subject to trial by a Court Martial, and by them fined, not to exceed twenty-five dollars, or at their discretion, shall be reprimanded publicly, or cashiered. If any non-commissioned officer or private, shall, during the time of muster, or whilst on duty, behave in a disorderly manner, or resist, or refuse to obey his commanding officer, he shall be liable to be ordered in arrest, by such commanding officer, during the time of muster or duty, and fined at the discretion of the Court Martial, not to exceed five dollars, provided the aforesaid Court Martial be regularly detailed as is prescribed by the Militia laws of this State.

Volunteers
may be en-
rolled.

SEC. 5. *Be it further enacted*, That out of the Militia of this State, there may be enrolled as many volunteer companies of Artillery, Light Infantry, Grenadiers or Riflemen, as may see fit to enroll themselves into such; each company to consist of at least thirty-two privates, four Sergeants, three Lieutenants, (the third Lieutenant to be the Ensign,) and one Captain; and it shall be lawful for persons subject by law to be enrolled in the Militia, to join any volunteer company in a regiment adjoining that in which they reside.

SEC. 6. *Be it further enacted*, That the forty-second chapter, second section, of the act concerning the Militia, passed